IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 16420 of 1994

Between:

Duggirala Ramachandra Rao, S/o. Durga Prasada Rao.
Kakinada, East Godavari.

..... PETITIONER

AND

1 Mandal Revenue Officer, I-Polavaram, East Godavari.
2 Addl. Revenue Divisional Officer, Land Reforms, East Godavari, Kakinada.
3 Sub Registrar, I-Polavaram, East Godavari.
4 Guntur Subramanya Kumar, S/o. Suryanarayana, R.Agraharam, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any order or direction or a writ more particularly a writ in the nature of Mandamus directing the 3rd respondent herein to register the document in petitioner's favour executed by the 4th respondent who agreed to sell an extent of Ac.42-25 cents in S.No.715 situated in Cherukulanka Village, hamlet of Guttenadevi of I.Polavaram Mandal, East Godavari District.

Counsel for the Petitioner: MR.G.DHARMA RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORAL ORDER

This writ petition is filed by the petitioner, seeking a writ of mandamus directing the third respondent to register the document in his favour, which was executed by the fourth respondent who agreed to sell an extent of Ac.42-25 cents in Sy. No. 715 in Cherukulanka village h/o Guttenadevi of I. Polavaram Mandal, East Godavari District.

The case of the petitioner, in brief, is that the father of the 4th respondent in pursuance of the proceedings of the Land Reforms Tribunal, Amalapuram under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 in C C No. 1087/MMD/75, surrendered land to the Government to an extent of Ac.158 and that 4th respondent had entered into an agreement of sale with the petitioner on 14.6.1983 to an extent of Ac. 42.25 situated in Sy. No. 715 of Cherukulanka village in respect of which pattadar pass books were given in the name of the father of the 4th respondent and out of the total sale consideration of Rs.2,95,750/-, the petitioner had paid Rs.1,00,000/- to 4th respondent and that the possession of the land was handed over to the petitioner and eversince the petitioner has been in possession and enjoyment of the said land and that the name of the petitioner was also entered in 10(1) Adangal. It is his further case that he paid the balance sale consideration to the 4th respondent and later he approached the third respondent to register the lands in his name to which the third respondent refused on the ground that the land in Sy. No. 715 is a government land.

It is the grievance of the petitioner that the third respondent, without there being any proper reason, and without conducting any enquiry as to whether the land in question is a government land or

not, refused to register the land in the name of the petitioner. Hence the present writ petition.

Respondents 2 and 3 did not choose to file any counter. First respondent filed counter denying the allegations made in the petition, stating that the father of the 4th respondent had surrendered the land to an extent of Ac.203.59, which includes the land in question, in pursuance of the proceedings referred to above in the year 1976 itself and he had also received an amount of Rs.7,980/- as compensation and that since the agreement which the petitioner had entered into with the father of the 4th respondent took place in 1983, petitioner cannot agitate basing on that agreement, which is null and void, and in support of his contention, the first respondent filed copies of the proceedings of the Land Reforms Tribunal and declaration of surrender and the receipt purported to have been signed by the father of the 4th respondent.

Learned counsel for the petitioner submits that the father of the 4th respondent had surrendered Ac.158 of land only, but not AC.203.59 as stated in the counter, but the said contention was denied by the learned Government Pleader.

Therefore, in view of the disputed fact with regard to the surrender of land by the father of the fourth respondent, it would be suffice, in the interests of justice, if an opportunity is given to the petitioner to submit proper proceedings of land ceiling with reference to the surrendering of land by the father of the fourth respondent before the Registering Authority and on production of such material, the Registering Authority is directed to consider the case of the petitioner i.e. registration of the document after satisfying with the factum of surrender of land in question by the father of the fourth respondent.

Accordingly, the writ petition is disposed of with the above observations. No costs.

Kvsn 26-08-2004

To

1 Mandal Revenue Officer, I-Polavaram, East Godavari.
2 Addl. Revenue Divisional Officer, Land Reforms, East Godavari, Kakinada.
3 Sub Registrar, I-Polavaram, East Godavari.
4 The G.P. for Revenue, High Court Buildings, Hyderabad.

5 Two C D copies.